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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,834	09/19/2003	Bjorn Bjare	P17551US2	6032
27045	7590	08/01/2007		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER VU, TUAN A	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 08/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/665,834

Applicant(s)

BJARE ET AL.

Examiner

Tuan A. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to the Applicant's response filed 5/21/07.

As indicated in Applicant's response, claims 1, 3, 10, 18-19 have been amended. Claims 1-22 are pending in the office action.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al., USPubN: 2001/0039570 (hereinafter Stewart).

**As per claim 1**, Stewart discloses a system for modifying functionality of a platform for a mobile terminal of a wireless telecommunications system (e.g. para 0278, pg. 16), comprising:

a mobile terminal platform domain (wireless – para 0278, pg. 16) having a software services component (Web Application – Fig. 1; Application Services – Fig. 1) for providing functionality, said services in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by a processor (Note: this loading and storing steps being inherent for the functionality of the wireless platform) ; and

an interface component having at least one interface for providing access to the functionality of the software services component (e.g. Collaboration, Workflow server – Fig .1; Fig 16; *conversation mgmt, message handling* -Fig. 8) for enabling application domain software

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to be installed, loaded and run in said platform via said at least one interface (e.g. Fig. 17; para 0165-0170, pg. 11 – Note: *WebLogic* integration server using workflow server to communicate with client application via messages – e.g. for deploying networks, suppliers functions - reads on interface for enabling software to be installed and loaded onto client execution engine), said interface in the form of software instructions adapted to be loaded and stored (Note: see above for inherent teaching) in a computer readable medium and executed by a processor; and

plug-in software in the form of software instructions adapted to be loaded and stored (Note: see above) in a computer readable medium and executed by a processor and for use by the application domain software for modifying the functionality of the software services component (e.g. routing functionality, content modification - para 0171-0187, pg. 11-12; *tailor the list* – para 0173, pg. 11) of the mobile platform domain via the at least one interface.

**As per claim 2**, Stewart discloses wherein said at least one interface comprises an application programming interface (*interfaces* – para 0011, para 0075, 0078-0080, pg. 6; C-enabler *API* - para 0251, pg. 14).

**As per claims 3-4**, Stewart discloses wherein said plug-in software comprises software residing in a domain of said application software (para 0176, pg. 11 – Note: plug-in reads on residing inside the application of the partners or users' machine in the chain of the E-commerce Workflow of the collaborative system – see para 0237, pg. 13, wherein modeling tool from C-space trading partners entails using plug-in to configure message design) and that uses the functionality of at least one of the platform domain and other plug-in software (para 0182, pg. 12);

wherein said plug-in software complies with a same paradigm as provided services (protocol --para 0184 pg. 12; Fig. 16; para 0191-0232 – Note: filtering/redefining of message using Protocol plug-in per partner application within the message-routing scheme reads on compliance of plug-in with *RosettaNet* or *XOCP* protocol) exported by said application programming interface.

As per claims 5-6, Stewart discloses wherein said provided services include one or more of component model compliance (para 0348, pg. 18), naming convention compliance (para 0302, pg. 16), undesired-event handling compliance (Fig. 9; para 0334, pg. 17) and message model compliance (Fig. 6; step 208-210, Fig. 7); wherein said message model includes a callback mode (*Asynchronous Message* - para 0330, pg. 17) and a full message mode (*Synchronous* - para 0328, pg. 17; Fig. 6; *RMI* - para 0170, pg. 11).

As per claims 7-8, Stewart discloses wherein said plug-in software includes a plurality of plug-in software modules (e.g. para 0171, 0174, 0183, pg. 11-12); wherein said plug-in software includes plug-in software defining a set of graphical objects and utilities for defining a look and feel of said platform ( *tailor the list* – para 0173, pg. 11; para 0180-0181, pg. 12; *graphical design* - para 0237, pg. 13; *layout ...expanded later* - para 0103, pg. 8; *concurrent c-spaces* - para 0131, pg. 8 -- -- Note: activities of trading partners as C-space owner in defining roles and diagrams in a workflow model as in a browser-based modeling platform – see *browser*, para 0247, pg. 14 -- and configuring messages accordingly **read on** using plug-in modules inside the graphical design tool to modifying the model or the messaging requirements, and browser-based configuration further teaching integral browser plug-in for enabling as needed-basis runtime modification/enhancement of browser layout).

**As per claim 9**, Stewart discloses wherein said platform domain comprises a platform for a mobile terminal for a wireless telecommunications system (see para 0278, pg. 16).

**As per claim 10**, Stewart discloses a method for modifying functionality of a platform for a mobile terminal of a wireless telecommunications system, comprising:

providing a mobile terminal platform domain having a software services component for providing functionality, said services in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by a processor, and

an interface component having at least one interface, for providing access to the functionality of the software services component for enabling application domain software to be installed, loaded and run in said mobile platform via said at least one interface, said interface in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by a processor;

providing plug-in software in the form of software instructions adapted to be loaded and stored in a computer readable medium and executed by a processor and together with the application software for modifying the functionality of the software services component of the mobile terminal platform domain via the at least one interface; and

modifying the functionality of the software services component via said plug-in software;

all of which limitations having been addressed in claim 1.

**As per claims 11-15**, these claims include respectively the subject matter of claims 3-6, and 8; hence incorporate the corresponding rejection as set forth therein.

**As per claims 16-17**, Stewart discloses enterprise wide collaboration among trading partner or C-space owners (see para 0164, pg. 11 – Note: each user of such federated model is a

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customer using the model process) having C-space instance for locally defining a workflow, hence discloses a modeling paradigm wherein any client in the WebLogic network can collaborate with a modeling step of extending and/or modifying the functionality is performed *by a customer* of a provider of said platform (see Fig. 13-16; para 0172, pg. 11; 0237, pg. 13); wherein said customer comprises an end user product manufacturer (*manufacturer* – para 0086, pg. 7).

**As per claim 18**, Stewart discloses C-space being made available to variety of users for modifying the functionality, i.e. performed by a third party (e.g. para 0087, pg. 7) contracted to change the functionality.

**As per claim 19**, Stewart discloses adding or removing functionality to said software services component of said platform (e.g. para 0171, 0174, 0183, pg. 11-12).

**As per claim 20**, refer to claim 9

**As per claim 21**, Stewart discloses step of modifying the functionality is performed by downloading an application ( para 0172, pg. 11; para 0182-0187, pg. 12 -- Note: data communicated to trading partners for these to participate/collaborate in the C-hubs by way of plug-ins or C-enabling lightweight downloadable software to instantly customize or modify the hub/protocols communications or functionality – see para 0184-0189; *C-enabler* -- para 0239, pg. 13 -- **reads on** downloading an application; and downloading of plug-ins).

**As per claim 22**, with respect to claim 10, Stewart discloses downloading at least one plug-in (refer to claim 21 - Note: data communicated to trading partners for these to participate in the C-hubs by way of plug-ins or C-enabling lightweight downloadable software to instantly

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customize or modify the hub/protocols communications – see para 0184-0189; *C-enabler* -- para 0239, pg. 13--reads on downloading an application; and reads on downloading plug-ins)

***Response to Arguments***

4. Applicant's arguments filed 5/21/07 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

**35 USC §102(e) Rejection:**

(A) Applicants have submitted that the B2B infrastructure by Stewart cannot implemented entirely in a single mobile terminal within a wireless system; such that as amended, the entire invention reside within a mobile platform terminal (Appl. Rmrks pg. 7, middle). The claim language recites 'instructions adapted to be loaded and stored in a computer ... medium and executed by a processor' and 'enabling an application domain software to be installed, loaded and run ... said mobile platform' (refer to claim 1). First, there is explicit definite teaching about an actual loading of software instructions into a memory or a processor **residing inside** (emphasis added) a mobile terminal. Second, the terms (i) 'adapted to be loaded' and of (ii) 'a computer readable medium' and (iii) 'a processor' amount to language indefiniteness (or lack of interlinking teaching between elements) that fails to convey the existence of any software being explicitly and actually loaded as a whole system ( as recited in the claim preamble; i.e. *a system for*) inside the mobile station, for what Applicants referred to as 'entire invention' to be construed as being loaded entirely inside said mobile terminal. That is, no loading per se is taught, no medium recited as being actually pertinent to the very mobile terminal, no processor recited as actually residing inside this mobile terminal; and finally, no system per se in form of software instructions being actually and entirely stored in the terminal platform's storing system



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at all. Broad interpretation has it that the *loaded* and *run* limitations are operable for some processor, such that processor remains an undefined processor, i.e. lacking definite structural relationship between this processor and the mobile terminal platform in the amended claim. From the language of the claim, it would be very hard to construe that the entire system as claimed has been implemented in software instructions, so that the entirety of software instructions is loaded and executed in a processor residing in the very mobile terminal. Third, scanning the Specifications, when a wireless telecommunications type of business application context is implicated, a wireless device is commonly conceived as being constraint in storage resources, and it is via the pertinent wireless network that resources can be downloaded (e.g. service to send plug-in to the client) to the terminal; that is, the wireless network system has to allocate service instances thereof to distribute or provide what application resources the terminal cannot store, thereby alleviate needlessly straining of the mobile terminal capacity. For one of skill in the art of mobile terminal methodology, it would be inconceivable that the wireless device itself stores software to implement both server functionality and client functionality; that is, this dual functionality amounts to an inapposite concept because it is defeating the use of network services and its capability to distribute resources to the NW clients, which the Invention is endeavoring. The claim is not definite to enforce that the entire invention as claimed is actually stored in the mobile hardware, for lack of relationship definiteness in the claim language and for issues that would be bordering on lack of credibility, USC § 101 type of issue. As interpreted and in view of Stewart, the claimed mobile terminal platform limitation has been fulfilled, and the *load* and *run* combined limitation has been treated as inherent to any software functionality adapted for carrying out its functionality ( via use of any generic processor or

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readable medium). The argument (that the entire claimed system is inside the terminal device) is therefore not non-persuasive because Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The claim will stand rejected as set forth in the Office Action.

**Double Patenting Rejection:**

(B) In view of the latest submitted Terminal Disclaimer, the double patenting rejection is herein withdrawn.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tuan A Vu', with a long horizontal flourish extending to the right.

Tuan A Vu  
Patent Examiner,  
Art Unit 2193  
July 30, 2007